

The Salisbury Planning Board held its regular meeting on Tuesday, June 10, 2003, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Sean Reid, Rodney Queen, Fred Dula, Mitzi Clement, Len Clark, Jeff Smith, Sandy Reitz, Brian Miller, Ken Mowery, Eldridge Williams

ABSENT: Lou Manning, Jerry Wilkes

STAFF: Harold Poole, Patrick Kennerly, Joe Morris, Hubert Furr, Dan Mikkelsen, Tammy File

The meeting was called to order by Chairman Dula. The minutes of May 13, 2003, and May 27, 2003, were approved as published.

### **ZONING MAP AMENDMENTS**

Z-5S-03 Janice H. Rary  
Location: 1340 West Ridge Road  
Size: Approximately 4.46 acres  
Existing Zoning: A-1 (Agricultural District )  
R-20 (Single Family-20 Residential District)  
Proposed Zoning: B-6-S (Special General Business District)

(a) Chairman Dula convened a courtesy hearing on Z-5S-03

Senior Planner Harold Poole explained that the area proposed for rezoning is located at 1340 West Ridge Road it is approximately 4.46 acres in size. The wooded property has about 300 feet of frontage along the north side of West Ridge Road, and a depth of about 670 feet. The rear of 1/3 of the property is zoned A-1 and the front 2/3 is zoned R-20.

Those speaking in favor of the zoning change request:

Craig Hiatt, 216 St. John's Drive- owner of Restoration Plus- Wants to use this property for office and warehouse equipment.

Those speaking in opposition to the zoning change request:

Karen Huff, 265 Whitetail Lane- Commercial intrusion would not be good for the neighborhood.

Lonnie Goodman, 1080 Goodnight Road- owns rental properties at 1325 and 1335 West Ridge Road. This area should remain residential.

Grace Lowe, 1210 W. Ridge Road- There is a lot of traffic on the road already, can't even back out of your driveway, have to pull out. This use is likely to produce more traffic.

Tom Goodman, owns property directly behind the request- This should be kept as strictly residential property. The proposed uses requested should like something that would fit in an industrial park.

Steve Simpson, 235 Whitetail Lane- This area is agricultural and single family residential. He built a house 5 years ago, family setting . Allowing commercial would disrupt the residential setting.

Michelle Bennett, 1440 W. Ridge Road- Value of houses would go down. A lot of horses and horse riding in the area.

Chairman Dula asked proponents and opponents to stand. One person stood in support and 12 people stood in opposition.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen said there's too much citizen opposition to allow this rezoning. Also, this would be "spot zoning." Rodney made the motion that the rezoning request be denied, Sandy Reitz seconded the motion with all members voting AYE.

Z-6-03

Location:	Northeast Corner of I-85/Julian Road Interchange
Size:	Approximately 1.8 acres
Existing Zoning:	B-CS Convenience Service Business
Proposed Zoning:	M-1 Light Industrial

(a) Chairman Dula convened a courtesy hearing on Z-6-03

Planner Patrick Kennerly explained that the area proposed for rezoning consists of about 1.8 acres, located on the north side of Julian Road at the Interstate 85 interchange. There is currently a building on the property, which appears to have been used as a service station at some time in the past.

Those speaking in favor of the zoning change request:

P. H. McKinney, 413 Cleo Avenue, Granite Quarry- Rezoning to M-1 would provide more flexibility in use. Knows someone who wants to lease the property for a use not allowed in B-CS.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean said it is reasonable to ask for rezoning, goes good with property across the street.

Ken Mowery- Odd to see B-CS out by itself like this. Ken made the motion to approve the rezoning as requested with the A-1 (diamond area) in the state right-of-way, Jeff Smith seconded the motion with all members voting AYE.

Brian Miller- In the near future, look at this interchange area for a small area study.

Rodney Queen- This is right across from Summit Corporate Center.

Jeff Smith- We need a plan for our interchanges.

Sean said it is reasonable to ask for rezoning, goes good with property across the street.

[NOTE: It should be pointed out that the pictures of the site that were shown to Planning Board already indicated about eight cars have already been lined up on the front of the property for sale, complete with sale prices. This is a use not permitted in the B-CS district. It appears the owner assumed the rezoning would be approved.

### **GROUP DEVELOPMENT**

G-1-03          Bunker Land Group (Walgreen's), 1906 West Innes Street

Hubert Furr explained that Dennis Bunker submitted a revised parking and landscaping plan to Walgreen's site plan that was approved earlier this year. His memo indicates that all zoning criteria have been met, and that the Technical Review Committee recommended approval, as submitted.

Brian Miller made the motion to approve the request as submitted, Rodney Queen seconded the motion with all members voting AYE.

G-9-03          Birkdale- 1900 block of Faith Road

Hubert Furr explained that the subdivision was submitted by Jim Burgess, from Burgess & Associates, for the construction of a 260 lot single family residential subdivision. The RD-B zoning allows it to be reviewed under zoning standards, as well as subdivision standards. All zoning criteria have been met, The Technical Review Committee recommends a couple of additions: First, that the name of the subdivision be changed since the name "Birkdale" is the name of the street entering the Polo Commons subdivision; second, that in addition to the three stub streets shown on the plan, and the additional stud street or two necessary because of subdivision regulations (no street may exceed 800 feet in length), there be at least one additional sub-out shown on the south side of the property (toward Heilig Road) to the Claude Parrish property, the Samuel Nash property, and/or the William J. Allen property.

In addition, the Engineering Division recommended that no more than 80 lots be platted before additional access routes are open to Heilig Road and/or Old Concord Road.

[NOTE: At the meeting the Engineering Division modified that 80 lot criteria to 100 lots.]

Jim Burgess, 125 Stone Ridge Drive- He is making a request to be annexed. The development is for older age citizens, aged 55 and above. With RD-B zoning, intends on a 30 foot yard setback, but in some cases a zero side yard and zero rear yard setback. The zero side yard setback will allow the 1200 to 1400 sq. ft. houses to be placed together- duplex style. The other side will have a more generous side yard. The common open space areas account for about 35 percent of this property. Said he is opposed to connectivity, it is intended for senior citizens, while that isn't the case for adjoining developments. He is looking at other possible accesses. He wants to keep the name Birkdale, has spent a lot of time decided on picking that name, sounds good, would be willing to have it combined with another name – like Village or something else. He looks for a 12 to 15 year time span for the build-out period of the 260 lots.

Donald Moore, professional land surveyor in Salisbury- Been working closely with Mr. Burgess on this project, yes, I have a financial interest in this as well. This is about the forth design we have come up with for this project. Lots of common open space and a 30 foot front yard setback. Mr. Burgess didn't want to "max out" his density allowance, which in the RD-B district of 5 units per acre, would have allowed another 100 units of housing. There's a need for requirement #2- to have a subout (1 of 3) to Heilig Road.

Jeff Smith- Thrilled with the way this looks, headed in the right direction. Agrees 100 lots instead of 80 lots are a good place to reexamine. I like the name Birkdale. There's a need for requirement #2- to have a subout (1 of 3) to Heilig Road.

Rodney Queen- Likes the name Birkdale. No restrictions on RD-B. He is in favor of connectivity where it flows properly. Rodney made the motion to approve, (1) leave the name Birkdale, (2) do the stubouts to the Parrish property, (3) coming back after 100 lots to review a traffic count and base it on interconnectivity at that point. Jeff Smith seconded the motion with all members voting AYE.

#### G-6-02 Fleming Heights- 430 Lash Drive

Hubert Furr explained that this proposal has already been approved, however, the one year time period has expired and it must be re-approved. It has been submitted by the Salisbury Housing Authority for the construction of 32 housing units for the elderly on Lash Drive. The units would be located just to the south of the last phase of the Lakewood Apartments. All zoning criteria have been met, and the Technical Review Committee has recommended approval.

Mark Lewis- The Salisbury Housing Authority would like to get this under construction by the end of July.

Susan Johnson, representing Excel Property Management out of Raleigh- This is not to be assisted living., one tree is down no one is going out.

Rodney Queen made the motion to approve as submitted, Sean Reid seconded the motion. The vote was 9-1, Len Clark made a comment about the number of units down Lash Drive with only one way in and out, for this reason he voted to deny.

## **COMMITTEE REPORTS**

The Legislative Committee report was given by Senior Planner Harold Poole. On June 6 the Legislative Committee met for a breakfast meeting at IHOP. Mr. Ken Jefferies, from Wal-Mart, attended. The Committee discussed several matters of concern, rather than just reducing the parking space requirement from 5 spaces per 1000 sq. ft. of gross floor area to 4.5 spaces, which would be a reduction of 10 percent, and would mean 100 additional spaces Wal-Mart could transfer from its parking to outdoor storage/display area. Mr. Jefferies was also representing K-Mart and Lowe's, so their particular situations had to be taken into account.

The issues seemed to be:

- (1) What zoning districts should these outdoor storage/display area be permitted in ?
- (2) Should the outdoor storage/display areas be tied to any particular uses ?
- (3) Should these areas be allowed as a "use permitted by right" or perhaps as a special use (with City Council approval) ?
- (4) Should these permits, if issued, be allowed indefinitely or for a set period of time, such as six months ? (Council could determine that each time a permit is requested.)
- (5) Should the outdoor storage/display area be designated on an approval site plan, so the area doesn't continue to move around ?
- (6) What kinds of structures, materials, etc. are acceptable (or unacceptable) to be placed in this outdoor storage/display area ? (For example, there have been some public complaints about tents and tractor trailer trucks, and staff has some concern about materials such as fertilizer that may get into our water system.)
- (7) What particular uses, with maybe a minimum size (square footage) should be allowed to qualify for receiving an outdoor storage/display area ?
- (8) Are there any other concerns we may have, while still allowing for these uses ?

The Legislative Committee has scheduled a 2<sup>nd</sup> meeting for Monday, June 16, at 8:30 a.m. in the 1<sup>st</sup> floor conference room of City Hall. Mr. Jefferies will continue to be invited to these committee meetings.

The Gateway Committee continues to have frequent meetings. Jeff Smith gave a brief report and then turned it over to Urban Resource Planner Joe Morris who gave a PowerPoint presentation, primarily to outline what has been done thus far concerning East Innes Street, as follows:

- (1) 1995, the UDAT study, showed a much improved look to East Innes Street.
- (2) The 2020 Plan outlines some policies that are relevant to improvements needed on East Innes.
- (3) In 2000 there was the Randall Travel Marketing Study that recommended improvements be made to East Innes.
- (4) Beginning in 1998, there was the VCOD study, which culminated in the approval of the Visual Corridor Overlay District, which is Article XV of the Zoning Ordinance.
- (5) No VCOD areas have yet been placed on the Zoning Map, though there have been numerous attempts by both staff and a Council committee.
- (6) March 2003- Council asked the Planning Board to study the East Innes Street corridor.

The Gateway Committee will conduct a “Town Meeting” on July 14, if the current scheduling remains intact.

There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary